

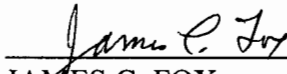
NO. 5:11-CT-3229-F

Defendants.

ORDER

¹ Petitioner's letter arguably is not a Rule 60(b) motion but is, instead, a request for an extension of time to file such a motion. See Pet'r's Mot. [D.E. # 20] at 1 ("The actuality of Rule 15, (continued...)

SO ORDERED. This the 1st day of May, 2013.



JAMES C. FOX
Senior United States District Judge

¹(...continued)

if your discretion allows me an extension of time of (19) extra-days. I'll support the Rule 60(b) and, attempt, to illustrate with the statute how they (defendants) violated my 'procedural due process rights' under the 5th and 14th Amendments." To the extent petitioner indeed intended only to request a nineteen day extension of time in which to "support" his Rule 60(b) motion, the court notes that such a request is unnecessary because Rule 60(b) is subject only to a one-year period of limitations from the date of final judgment for motions predicated on subsections (1)-(3) of the Rule. See Fed. R. Civ. P. 60(c). Subsections (4)-(6) of the Rule do not have a timing requirement relative to the entry of final judgment. One year from the entry of final judgment will not occur in the next nineteen days. In any event, for the reasons stated in the court's prior orders, plaintiff has not yet articulated any viable basis for relief from judgment under the Rule, and any renewed attempt to state a "procedural due process" claim on the basis of the facts previously alleged by plaintiff would be without merit and barred by *res judicata*.